

Attorney Docket No. 32892.23

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service with sufficient pre-paid postage as First Class Mail, on September 24, 2001, and is addressed to: Commissioner of Patents, Washington, D.C. 20231.


Peter J. Manso, Reg. No. 32,264

9-24-2001
September 24, 2001
Deposit Date

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SEP 28 2001

OFFICE OF PETITIONS
DEPUTY A/C PATENTS

In re Application of: Eugenio Cefali
Serial No.: 08/962,027
Filing Date: October 31, 1997
Group Art Unit: 1615
Examiner: R. Joynes
Title: **INTERMEDIATE RELEASE NICOTINIC ACID
COMPOSITIONS FOR TREATING HYPERLIPIDEMIA**

Attn.: Office of Petitions
Assistant Commissioner for Patents
Washington, D.C. 20231

September 24, 2001

Sir:

**PETITION TO REVIVE FOR FAILURE TO TIMELY PAY ISSUE FEE
OR FILE A REPLY UNDER 35 U.S.C §151 AND 37 C.F.R. 1.137(b)**

This petition to revive and withdraw any holding of abandonment of the above-identified application for U.S. patent for failure to timely pay issue fee or file a response is made under 35 U.S.C. §151 and 37 C.F.R. §1.137(b).

The above-identified application for U.S. patent became abandoned for failure to timely pay the issue fee on or before June 4, 2001. The abandonment date therefore is June 4, 2001. Applicant respectfully submits that the abandonment of the above-identified application for U.S. patent was unintentional. The entire delay in filing the required reply, i.e., paying issue fee, from the due date for the reply until the filing of this petition was unintentional.

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The delay was caused by the fact that the undersigned attorney left his previous firm prior to and joined his current firm after the mailing of the March 2, 2001 Notice of Allowance. The March 2, 2001 Notice of Allowance was mailed to the old firm, rather than the undersigned's new firm. Due to the transition between firms, the March 2, 2001 Notice of Allowance was inadvertently misplaced, so that it was never docketed. Upon organizing files transferred, the misplaced March 2, 2001 Notice of Allowance was discovered. As a result, the above-identified application for U.S. patent went unintentionally abandoned. The error in misplacing the March 2, 2001 Notice of Allowance was simply clerical in nature and totally inadvertent. This inadvertent clerical error was the entire cause for the delay. Accordingly, the entire delay in filing a reply, i.e., payment of issue fee, from the due date for the reply until the filing of this petition was unintentional.

Thus, kindly charge deposit account number 04-1105 the appropriate fee for this petition under 37 C.F.R §1.137(b) and 37 C.F.R §1.17(m) to avoid any further delay.

While applicant does not believe that a Terminal Disclaimer is required pursuant to 37 C.F.R. §1.137(c) in view of the fact that the above-identified application for U.S. patent was filed after June 8, 1995, a Terminal Disclaimer will be filed upon notification by the Petitions Office that a Terminal Disclaimer is required.

Submitted herewith is a copy of the Notice of Allowance mailed on March 2, 2001 in connection with the above-identified application for U.S. patent.

Please forward all further communications regarding the above-identified application for U.S. patent and this petition to:

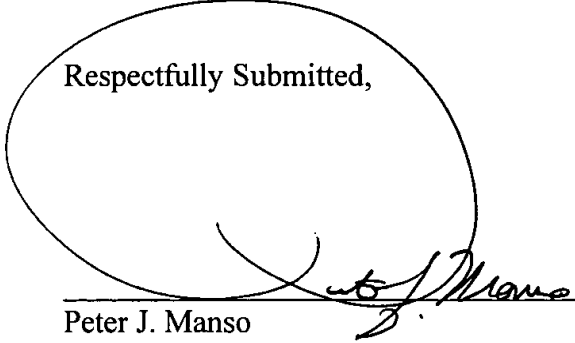
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(954) 491-8050 (office)
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If the Petitions Office should have any questions or require additional information or

clarification, Applicant requests that the Petitions Office contact the undersigned attorney of record herein, Peter J. Manso, at the phone numbers and address noted above and below.

Respectfully Submitted,

Date: September 24, 2001



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Reg. No. 32,264

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